THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.21210 OF 2004

DATE: 1st September 2006

Between:
S.Bala Subrahmanyam,
S/o Subbaramaiah Chetty,
Aged 40 years, Occ: cultivation,
R/o Beerangi Revenue Village,
B.Kothakota Mandal, Chittoor Dist.

... Petitioner.

And

1. The Collector & District Magistrate,
   Chittoor District and 2 others.

... Respondents.

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ORDER:

This writ petition is filed seeking a writ of Mandamus declaring action of the respondents 2 and 3 in seizing the rice belonging to the petitioner under mahazars dated 01.10.2004 and 02.10.2004, as arbitrary, illegal and unconstitutional.

2. It appears that the petitioner is an agriculturist owning Ac.5-00 of wetland. It seems that respondents 2 and 3, on 01.10.2004 and on 02.10.2004, inspected residence of the petitioner and seized 16 bags of rice and 55 bags of rice each weighing 45 Kgs. respectively, on the pretext that those rice are meant for drought programme. Thereafter, neither any proceedings are initiated against the petitioner nor he has been issued with any notice of

any kind. The rice is kept under the custody of a fair price shop dealer of the village. Though it is more than two years, neither the rice is released nor any action is contemplated against the petitioner. Further, there is no restriction on rice movement in view of the fact that the rice has been taken out of the purview of Essential Commodities Act, 1955.

3. *Prima facie* I am of the view that the very inspection, conducting panchanama and seizure of the goods is illegal. Therefore, the respondents are directed to release the goods seized on 01.10.2004 and 02.10.2004 from the premises of the petitioner forthwith. The respondents shall not insist upon furnishing of any security for release of the goods. However, this will not preclude the authorities from initiating any action against the petitioner if it is found that the rice, which is seized and directed to be released, are found to be the rice meant for implementation of any governmental schemes. Since the rice was seized on 01.10.2004 and 02.10.2004 and if the rice is found to be spoiled, the petitioner is at liberty to take appropriate action as per law for recovery of the value of the goods lost and it is always open for the authorities to fix the responsibility upon the officers concerned to recover the same from them.

4. With the above directions, the writ petition is disposed of.

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C.V.RAMULU, J.

Date: 01st September 2006.

Note:

Issue CC by one week.

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